

**THIRTEENTH DAY**  
(Thursday, July 13, 1989)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Zaffirini.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

A quorum was announced present.

The Reverend Richard Pedersen, Assistant Rector, St. Luke's On The Lake Episcopal Church, Austin, offered the invocation as follows:

Dear Lord, thank You for the beginning of another day. Thank You for calling us together here. We pray that Your presence, Your Spirit, will lead each of us in all that we do today.

Father, I give You thanks for the men and women here in this House. They've been here a long time now, Lord, and they still have work to do. So I pray for them, that You would pour out Your Spirit upon them. Give them the wisdom to know Your will, and the grace to follow it. Give them hearts of compassion, to work faithfully for the good of all Your people.

Lord God, lead them to a common mind, a mind shaped to follow Your holy purposes, that all they do may be pleasing before You, and to the honor of Your name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Green was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Edwards was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

**REPORTS OF STANDING COMMITTEES**

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

**S.B. 101**  
**S.B. 89**

Senator Caperton submitted the following report for the Committee on Finance:

H.B. 40  
H.B. 95  
C.S.S.B. 92

Senator Truan, Acting Chairman, submitted the following report for the Committee on Education:

S.B. 97

Senator Harris, Vice-Chairman, submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be a Member of the TEXAS BOARD OF MENTAL HEALTH AND MENTAL RETARDATION: Jack Taylor Dulworth, Harris County.

To be Members of the BOARD OF DIRECTORS, TRINITY RIVER AUTHORITY OF TEXAS: Jack A. Coleman, Jr., Anderson County; William L. Hutchison, Dallas County; H. Gene Reynolds, Jr., Freestone County.

To be a Member of the STATE BOARD OF INSURANCE: Mrs. Jo Ann Howard, Travis County.

#### SENATE RESOLUTIONS ON FIRST READING

The following resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 22 by Lyon Jurisprudence  
Granting W. E. Washerlesky, Jr., permission to sue the State of Texas and the Texas Veterans' Land Board.

S.C.R. 23 by Tejeda Jurisprudence  
Granting H. B. Zachry Company permission to sue the State of Texas and the State Department of Highways and Public Transportation.

#### SENATE RESOLUTION 163

Senator Brooks offered the following resolution:

S.R. 163, establishing a special interim committee to be named the Task Force on Waste Reduction and Minimization.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

#### GUESTS PRESENTED

Senator Barrientos, upon recognition, introduced Senior Sergeant Cecilia Hart of the Austin Police Department, and her husband, Bill Hart, an investigator with the Travis County District Attorney's Office. Sergeant Hart recently completed her studies at the Federal Bureau of Investigation National Academy in Quantico, Virginia.

Accompanying Sergeant Hart and introduced to the Senate were Austin Police Department Chief George Pfifer and Chief Gilbert Miller and Francine Hart, Sergeant Hart's daughter.

Senator Barrientos accompanied Sergeant Hart to the President's Rostrum for a presentation by the President of S.R. 753, adopted by the Senate on May 25, 1989.

#### MESSAGE FROM THE HOUSE

House Chamber  
July 13, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 116, Relating to the regulation of Medicare supplement insurance.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### PROCLAMATION FROM GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
SEVENTY-FIRST TEXAS LEGISLATURE IN FIRST CALLED SESSION:

Pursuant to Article III, Section 40 and Article IV, Section 8 of the Texas Constitution, I, William P. Clements, Jr., Governor of Texas, do hereby submit the following matter for consideration by the Seventy-first Texas Legislature in its First Called Session:

(1) legislation relating to the terms of office of members of The Finance Commission of Texas.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 13th day of July, 1989.

Respectfully submitted,  
/s/W. P. Clements, Jr.  
William P. Clements, Jr.  
Governor of Texas

ATTEST:

/s/George S. Bayoud, Jr.  
George S. Bayoud, Jr.  
Secretary of State

#### APPOINTMENTS BY THE LIEUTENANT GOVERNOR

The President announced the following appointments:

Reappointed to the Texas Legislative Council: Senators Sims, Glasgow, Krier, McFarland and Parker.

Reappointed to the Legislative Budget Board: Senators Caperton, Montford, McFarland and Glasgow.

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 116**, To Committee on Economic Development.

**SENATE BILL 60 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 60**, Relating to zoning around Lake Cooper.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Amend **S.B. 60** on page 2, line 5, by deleting "one mile" and insert in lieu thereof "9,000 feet".

The amendment was read and was adopted viva voce vote.

On motion of Senator Ratliff and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**SENATE BILL 60 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 60** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Washington.

Absent: Johnson.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0.

Absent: Johnson.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

**HOUSE BILL 40 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 40**, Relating to the application of the reduced oil production tax rate for oil from certain enhanced recovery projects.

The bill was read second time and was passed to third reading viva voce vote.

**HOUSE BILL 40 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 40** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

#### HOUSE BILL 95 ON SECOND READING

Senator Sims moved to suspend the regular order of business and Senate Rule 7.13 to take up for consideration at this time:

**H.B. 95**, Relating to authorizing certain counties, hospital districts, and emergency services districts to impose sales and use taxes.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Uribe, Zaffirini.

Nays: Truan, Washington.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

The bill was read second time and was passed to third reading viva voce vote.

#### RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 95 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 95** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Uribe, Zaffirini.

Nays: Truan, Washington.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 2. (Same as previous roll call)

#### NOMINEES CONFIRMED

On motion of Senator Harris and by unanimous consent, Senate Rules 14.01 and 14.02 were suspended in order that the nominations reported today from the Committee on Nominations might be considered immediately.

Senator Harris moved confirmation of the nominees reported today by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 27, Nays 0.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

Member, Texas Board of Mental Health and Mental Retardation: JACK TAYLOR DULWORTH, Harris County.

Members, Board of Directors, Trinity River Authority of Texas: JACK A. COLEMAN, JR., Anderson County; WILLIAM L. HUTCHISON, Dallas County; H. GENE REYNOLDS, JR., Freestone County.

Member, State Board of Insurance: MRS. JO ANN HOWARD, Travis County.

#### MESSAGE FROM THE HOUSE

House Chamber  
July 13, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 19**, Declaring September 25, 1989, as American Bill of Rights Day in Texas.

**H.C.R. 10**, Requesting certain agencies to implement a public information program regarding the salute to the Texas flag.

The House has concurred in Senate amendments to **H.B. 63** by a record vote of 132 Yeas, 0 Nays, 1 Present-not voting.

Respectfully,  
BETTY MURRAY, Chief Clerk  
House of Representatives

#### SENATE BILL 101 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to third reading:

**S.B. 101**, Relating to water supply, flood control, sewer service corporations and their rights, duties and powers, and amending Article 1434a, Vernon's Texas Civil Statutes, and containing other provisions relative to the subject.

The bill was read second time and was passed to engrossment viva voce vote.

#### SENATE BILL 101 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 101** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

The bill was read third time and was passed viva voce vote.

#### **HOUSE RESOLUTION ON FIRST READING**

The following resolution received from the House was read the first time and referred to the Committee indicated:

**H.C.R. 10**, To Committee on State Affairs.

#### **SENATE BILL 85 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 85**, Relating to the practice of lay midwifery; providing penalties.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 85 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 85** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

The bill was read third time and was passed viva voce vote.

#### **RECORD OF VOTE**

Senator Sims asked to be recorded as voting "Nay" on the final passage of the bill.

#### **SENATE BILL 89 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 89**, Relating to the terms of directors of the Port of Port Arthur Navigation District.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 89 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 89** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

#### **GUEST PRESENTED**

Senator Lyon was recognized and presented Dr. Dana Evans of Wills Point.

Dr. Evans, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

#### **SENATE BILL 88 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 88**, Relating to the payment of certain laborers, workers, and mechanics under public works contracts.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 88 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 88** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Edwards, Glasgow, Green, Whitmire.

The bill was read third time and was passed viva voce vote.

#### **VOTE ON CONCURRENCE IN HOUSE AMENDMENT TO SENATE BILL 20 RECONSIDERED**

On motion of Senator Brooks and by unanimous consent, the vote by which the Senate concurred in the House amendment to **S.B. 20** was reconsidered.

Question - Shall the Senate concur in the House amendment to **S.B. 20**?

Senator Brooks moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 20** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Brooks, Chairman; Johnson, Uribe, Carriker and Zaffirini.

#### **SENATE RULE 11.11 SUSPENDED**

On motion of Senator Parmer and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Intergovernmental Relations might consider the following bills upon recess today:



**H.B. 25****H.B. 26****SENATE RULE 11.11 SUSPENDED**

On motion of Senator McFarland and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Criminal Justice might consider **H.B. 103** upon recess today.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Caperton and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might consider **H.B. 82** upon recess today.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider **H.B. 101** upon recess today.

**RECESS**

On motion of Senator Brooks, the Senate at 11:26 a.m. took recess until 2:00 p.m. today.

**AFTER RECESS**

The Senate met at 2:00 p.m. and was called to order by the President.

**MESSAGE FROM THE HOUSE**

House Chamber  
July 13, 1989

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

**SIR:** I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 23**, Relating to the creation, administration, and powers, including the power of eminent domain subject to limitations, and to the duties, operations, and financing of Collin County Water Authority, and to the creation therein of subdistricts with the power to levy and collect ad valorem taxes within the subdistricts; relating to the power of the county and of municipalities, other political subdivisions, and nonprofit water supply corporations to enter into and give security for contracts with the authority.

**H.B. 126**, Relating to alcohol and drug abuse education for public school students and teachers.

**S.C.R. 7**, Honoring the 93 present and former members of the Legislative Budget Board.

**S.C.R. 8**, Requesting the Texas delegation of the United States Congress to work further to obtain a single consistent definition of wetlands for the purpose of all federal laws and regulations.

**H.C.R. 31**, Directing the State Board of Education to require alcohol and other drug nonuse education.

The House has refused to concur in Senate amendments to **H.B. 67**, and has requested the appointment of a Conference Committee to consider the differences

between the two houses. The following have been appointed on the part of the House: Schlueter, Chair; Perry, Earley, Williamson, Laney.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### CONFERENCE COMMITTEE ON HOUSE BILL 67

Senator Dickson called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on H.B. 67 and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on H.B. 67 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Dickson, Chairman; Parker, Haley, Krier and Uribe.

#### REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator McFarland submitted the following report for the Committee on Criminal Justice:

##### H.B. 103

By unanimous consent, Senator Caperton submitted the following report for the Committee on Finance:

##### H.B. 82

By unanimous consent, Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

##### H.B. 25

##### H.B. 26

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

##### S.B. 98

##### S.B. 102

##### H.B. 99

##### H.B. 114

By unanimous consent, Senator Henderson, Vice-Chairman, submitted the following report for the Committee on Jurisprudence:

##### S.B. 93

##### S.B. 95 (Amended)

#### HOUSE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution received from the House were read the first time and referred to the Committee indicated:

H.B. 126, To Committee on Education.

H.C.R. 31, To Committee on Education.

**MEMORIAL RESOLUTIONS**

- S.R. 148** - By Barrientos: In memory of John T. Polanco, Sr., of San Marcos.
- S.R. 149** - By Barrientos: In memory of McBride Wilson, Sr., of San Marcos.
- S.R. 154** - By Glasgow: In memory of Mary Victoria MacLean of Cleburne.
- S.R. 155** - By Glasgow: In memory of Charles Frank Ray of Stephenville.
- S.R. 156** - By Glasgow: In memory of W. A. "Bill" Craig of Weatherford and Fort Worth.
- S.R. 157** - By Glasgow: In memory of Bob Allen of Huckabay.
- S.R. 158** - By Glasgow: In memory of William Alexander Shryock of Granbury.
- S.R. 162** - By Brooks: In memory of Robert Allen Nesbitt of Galveston.
- S.R. 164** - By Montford: In memory of Kenneth May of Lubbock.

**CONGRATULATORY RESOLUTIONS**

- S.R. 147** - By Green: Commending Novis Spencer for her dedication to the Texas educational system.
- S.R. 150** - By Green: Extending congratulations to Chad Green of Houston on achieving the rank of Eagle Scout.
- S.R. 151** - By Tejeda: Commending the veterans of Manuel Alvarado Veterans of Foreign Wars Post No. 9186 whose accomplishments are a testimonial to their outstanding ability.
- S.R. 152** - By Tejeda: Extending congratulations to Anne Y. Stephens on being named Principal of the Year by the Texas Elementary Principals and Supervisors for 1989 (TEPSAN of the Year).
- S.R. 153** - By Krier: Extending congratulations to Rita Torres Tucker of San Antonio on being selected as Outstanding Young Engineer of the year.
- S.R. 159** - By Bivins: Extending congratulations to Denise Orme Monzingo on her 25th birthday.
- S.R. 160** - By Bivins: Extending congratulations to Captain Loren Ray Orme on his 50th birthday.
- S.R. 161** - By Tejeda, Sims, Zaffirini, Krier: Extending congratulations to James Marshall on being chosen for a Caldecott Honor for 1989.
- S.R. 165** - By Sims: Extending congratulations to Mr. and Mrs. D. W. Hicks of Bandera on their 50th wedding anniversary.

**ADJOURNMENT**

On motion of Senator Krier, the Senate at 2:02 p.m. adjourned until 2:00 p.m. Saturday, July 15, 1989.

**APPENDIX**

Signed by Governor  
(July 12, 1989)

**H.B. 42** (Effective October 18, 1989)